

**COPY**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X  
5 Estate of VALERIE YOUNG, by VIOLA YOUNG, as  
6 Administratrix of the Estate of Valerie Young,  
and in her personal capacity, SIDNEY YOUNG, and  
LORETTA YOUNG LEE,

7 Plaintiffs,

8 -against-

Index No.  
07CV6241

9 STATE OF NEW YORK OFFICE OF MENTAL RETARDATION  
AND DEVELOPMENTAL DISABILITIES, PETER USCHAKOW,  
10 personally and in his official capacity, JAN  
WILLIAMSON, personally and in her official  
11 capacity, SURESH ARYA, personally and in his  
official capacity, KATHLEEN FERDINAND, personally  
12 and in her official capacity, GLORIA HAYES,  
personally and in her official capacity, DR.  
13 MILOS, personally and in his official capacity,  
Defendants.  
14 -----X

15  
16 EXAMINATION BEFORE TRIAL of the  
17 Plaintiff, LORETTA LEE, taken by the Defendant,  
18 pursuant to Notice, held at the Office of the  
19 Attorney General, 120 Broadway, New York, New  
20 York 10271 on January 28, 2008, at 12:45 p.m.,  
21 before a Notary Public of the State of New York.  
22  
23  
24  
25

1 L. LEE

2 A. Because I work during the week and  
3 I always made it my business to at least visit  
4 her once a month.

5 Q. You said you visited her on a  
6 Saturday?

7 A. Yes, that is right.

8 Q. Do you work on Saturday?

9 A. I work Monday to Friday.

10 Q. Did Valerie know who you were when  
11 you visited her?

12 A. Yes, she did.

13 Q. I want to show you a copy of the  
14 complaint that's been filed in this lawsuit.

15 A. Okay.

16 Q. Okay.

17 Why don't you look through all the  
18 pages to make sure what is on each page.

19 A. Okay.

20 Q. When you visited Valerie at the  
21 Brooklyn Development Center, what would she be  
22 doing?

23 A. She would be sitting down.  
24 Sometimes she would be walking around. Mostly  
25 she would be sitting.

1 L. LEE

2 Q. How long were your visits with her?

3 A. Like an hour, a good hour.

4 Q. Do you need a moment? Do you want  
5 to take a walk to the restroom?

6 A. I will be okay. It just brings  
7 back memories.

8 Q. Let me know when you are ready do  
9 proceed.

10 A. Okay.

11 Q. What was Valerie doing the last  
12 time you visited her?

13 A. She was sitting in a wheelchair.

14 Q. How long was that visit for?

15 A. We were always there an hour.

16 Q. Where was she for that hour?

17 A. She was in the room where I had  
18 last saw her.

19 Q. Which room was that?

20 A. The small room, it wasn't a room  
21 inside where she stayed, but it was outside in  
22 another small room. I guess, they use it for  
23 visiting. For some reason they put us in there.

24 Q. Besides the wheelchair, what else  
25 was she doing at the time that you were there?

1 L. LEE

2 A. She was sitting there talking to  
3 us. She could only say words and we had brought  
4 her some chicken because we know she likes that.  
5 We all sat there and had chicken and french  
6 fries.

7 Q. You were there with your son?

8 A. Yes, my oldest son.

9 Q. What is his name?

10 A. Myron.

11 Q. The hospital doesn't have any  
12 records of you visiting Valerie. What proof do  
13 you have that you visited Valerie?

14 MR. KAISER: Objection.

15 A. (No response).

16 Q. There is no records of you having  
17 visit. How else would you be able to show that  
18 you visited Valerie?

19 MR. KAISER: Object to form.

20 A. I was there and they know it.

21 Q. So you are saying you definitely  
22 signed --

23 A. Yes, I signed, yes.

24 Q. Besides that, who else would be  
25 able to verify that you were there?

1 L. LEE

2 A. The people that were there, the  
3 people that worked on that shift, yes, people who  
4 worked on that shift.

5 Q. I asked you to review the complaint  
6 in this lawsuit. Have you seen this before?

7 A. No.

8 Q. Having looked at it, is it an  
9 accurate copy of the complaint that you  
10 understand was filed on behalf?

11 A. Yes.

12 MR. KAISER: Objection.

13 Q. Did you know any of the defendants  
14 prior to June 19, 2005?

15 A. Yes.

16 Q. Which ones did you know?

17 A. Ms. Ferdinand, Peter Uschakow, and  
18 there was another doctor there.

19 Q. Dr. Milos?

20 A. Yes.

21 Q. When you say you knew them, you met  
22 them prior to June 19, 2005?

23 A. Oh, yes.

24 Q. Under what circumstances did you  
25 meet with them?

1 L. LEE

2 A. They would come in.

3 MR. KAISER: Objection to form.

4 Q. On Saturday they would be there?

5 A. I have seen them -- I have gone  
6 there when I was off. I would go with my mother.  
7 I have seen them because that was the time that  
8 you would mainly see them there. It was very  
9 rare because I mainly went on Saturday.

10 Q. Prior to June 19, 2005, you met  
11 with Pete Uschakow?

12 A. Yes, I met them, yes.

13 Q. Did you speak to him?

14 A. Personally on a one-on-one basis,  
15 no.

16 Q. When you say met them, what did you  
17 mean?

18 A. He came in. He was speaking to my  
19 mom.

20 Q. How about Jan Williamson, do you  
21 remember meeting her?

22 A. Let me tell you, I met all of them.  
23 I just cannot recall all their names.

24 Q. So you are saying you met Jan  
25 Williamson, Suresh Arya?

1 L. LEE

2 MR. KAISER: Objection.

3 A. Yes.

4 Q. Kathleen Ferdinand?

5 A. Yes.

6 Q. Gloria Hayes?

7 MR. KAISER: Objection.

8 A. Yes.

9 Q. And Dr. Milos?

10 A. Yes.

11 MR. KAISER: Objection.

12 Q. If I could ask you to describe how  
13 each one of them looks, would you be able to do  
14 that?

15 A. Ms. Ferdinand was short, a little  
16 on the heavy side. Dr. Milos, he had black hair  
17 and medium built, about my height and what was  
18 the other one's name?

19 Q. Peter Uschakow.

20 A. I haven't seen him in a while so I  
21 don't recall.

22 Q. Jan Williamson?

23 A. I think that one was black because  
24 that name sounds so familiar. It is not like I  
25 saw them all the time like I said, but I know I

Five Star Reporting, Inc.

\*\*\*\*\* Suites in all Boroughs \*\*\*\*\*

(631) 224-5054

**Exhibit 46**

1 L. LEE

2 have met them throughout the years that Valerie  
3 was there.

4 Q. Did you meet them after June 19,  
5 2005?

6 A. After?

7 MR. KAISER: Objection to form.

8 Q. Yes.

9 A. It was Milos, he came to the wake,  
10 I saw him there.

11 Q. Did any of the other defendants  
12 come to the wake or the funeral?

13 A. I don't recall.

14 Q. Did you meet with any of the  
15 defendants prior to June 19, 2005, to discuss  
16 Valerie's condition with them at all?

17 A. No.

18 Q. This complaint that I just showed  
19 you, were you involved in writing any of the  
20 allegations contained in the complaint? What I  
21 mean, there is a lot of paragraphs here alleging  
22 what happened to Valerie, were you involved in  
23 writing any of these?

24 A. Personally, no.

25 Q. Why did you sue the State of New



1

L. LEE

36

2 York Office of Mental Retardation and  
3 Developmental Services?

4 MR. KAISER: Objection.

5 A. Negligence because they did not  
6 take care of Valerie like they should have.  
7 Because they saw things, they just did not take  
8 care of her like they should have. I'm sorry.

9 Q. I have to ask you these questions.  
10 These are all people who are being sued either  
11 entities, so I need to have it clear on the  
12 record why you are suing them.

13 A. Okay.

14 Q. Why did you sue Brooklyn  
15 Developmental Disabilities Service Director  
16 Peter Uschakow?

17 MR. KAISER: Objection.

18 A. They were responsible for Valerie,  
19 she was in their care. They were supposed to  
20 have taking better care of her.

21 Q. When you say, "care," you are  
22 talking about medical care?

23 A. Yes, medical care.

24 Q. Anything else besides that, how  
25 about her care related to her mental retardation?

1

L. LEE

37

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. They took care of that as far as I could see, but it was the medical towards the end there. Can I also say something?

Q. Go ahead.

A. There were times when Valerie when she would be hurt and nobody would know. They would tell you that they don't know what happened to her. One time somebody knocked Valerie 's tooth out.

Q. How would you know?

A. I was over there with my mom. I saw that she went to the hospital. I went with my mom.

Q. When you say, "somebody knocked her tooth out," how do you know that somebody knocked her tooth out?

A. Because that's what they said, her tooth was knocked out. She fell. There was another time, she had a mark on her head. She had to get stitches over her eyes, and also, I am thinking of right now, there was another incident right before she died, they never told us what happened, she got hit in the head.

Q. Did you call someone to find out

1

L. LEE

38

2

what happened?

3

A. My mommy did that, my mom did that.

4

Q. Did you try to do that?

5

A. No, because my mother, she was on  
6 top of things.

7

Q. We were talking about Peter  
8 Uschakow. You had mentioned that the New York  
9 State Office of Mental Retardation and  
10 Developmental Disabilities was negligent, is that  
11 what you are saying also for Peter Uschakow?

12

A. Yes.

13

MR. KAISER: Objection.

14

Q. Why did you sue Brooklyn  
15 Developmental Disabilities Service Office  
16 Residential Unit Supervisor Gloria Hayes?

17

MR. KAISER: Objection.

18

A. As far as I am concerned when  
19 Valerie had her problems with her foot, they said  
20 it was dropped foot. They did not send her out  
21 for any medical treatments. They had her sitting  
22 in a wheelchair and had her foot elevated. They  
23 didn't do anything. She was like that for a  
24 while.

25

Q. What is it that you are saying

1

L. LEE

39

2

Gloria Hayes did then?

3

MR. KAISER: Objection.

4

A. She was in charge. She should have

5

taken more care and wanted more of a detail of

6

what happened.

7

Q. Because she was a supervisor?

8

A. That is right.

9

Q. Do you think she was negligent in

10

any way also?

11

MR. KAISER: Objection.

12

A. Yes, I don't feel that she should

13

have done her job, look into these things.

14

Q. Why did you sue Brooklyn

15

Developmental Disabilities Service Office

16

Treatment Team Leader Kathleon Ferdinand?

17

MR. KAISER: Objection.

18

A. Because the same thing, they all

19

knew what was wrong with Valerie. She had a

20

problem. They did not send her out for

21

treatment. They kept on telling us the same

22

thing over and over, it was dropped foot.

23

Q. When you say, they all knew she had

24

a problem, what problem are you referring to?

25

A. My mom asked them.

Five Star Reporting, Inc.

\*\*\*\*\* Suites in all Boroughs \*\*\*\*\*

(631) 224-5054

**Exhibit 46**

1

L. LEE

40

2

Q. What problem are you referring to?

3

MR. KAISER: Objection.

4

A. She was hopping around. Somebody  
5 had to help her. She couldn't walk.

6

Q. You are referring to the problem  
7 relating to her gait because she would have  
8 problems walking because of one of her legs?

9

A. Yes. Her leg would swell.

10

Q. Why did you sue Brooklyn  
11 Developmental Disabilities Service Office,  
12 Medical Doctor Jovan Milos, M-I-L-O-S?

13

MR. KAISER: Objection.

14

A. Because he should have sent her out  
15 for treatment in the beginning to see what was  
16 causing.

17

Q. You mentioned all the other  
18 defendants, you mentioned negligence. Now,  
19 since, he is a doctor, do you feel also medical  
20 practice is that what you are saying?

21

MR. KAISER: Objection.

22

Q. Is it just negligence as a doctor?

23

A. He did not do his job like he was  
24 supposed to have done. He didn't look into the  
25 situation and sent her out.

1 L. LEE

2 Q. You attribute this to him being  
3 negligent?

4 A. Yes.

5 Q. Anything else besides negligent?

6 A. I am going with negligence.

7 MR. KAISER: I am going to object  
8 to that question.

9 Q. So since he was treating her in  
10 terms of the way the treatment he gave her?

11 A. It was not like he should have  
12 been. He could have done more.

13 Q. Did you think he engaged in medical  
14 practice in any way?

15 MR. KAISER: Objection.

16 A. I don't know.

17 Q. But you do think he was negligent?

18 MR. KAISER: Objection.

19 A. Yes.

20 Q. Why did you sue Hudson Valley  
21 Developmental Disability Service Office Deputy  
22 Director of Operations Suresh Arya?

23 MR. KAISER: Objection.

24 A. Because he was working there as  
25 well, and I am sure that there are notes that go,

L. LEE

that circle around and they all should have been aware of what was going on with Valerie.

Q. So I am clear. You seem like you are sure of what was going on with Valerie, but they weren't. What do you mean they should have been aware of what was going on with Valerie?

A. Because you could see Valerie was having a problem, we saw it and she was there.

Q. What kind of problem she was having?

A. She was limping. She was having problems walking. They all saw it. They were there. We came to visit. She was with them all the time.

Q. Do you think they knew what the problem was and they decided to ignore it?

MR. KAISER: Objection.

A. I don't think they know what the problem was. They did not send her out to find out what the problem was.

Q. That is why you feel they are negligent?

A. That is right.

MR. KAISER: Objection.

Five Star Reporting, Inc.

\*\*\*\*\* Suites in all Boroughs \*\*\*\*\*

(631) 224-5054

**Exhibit 46**

1 L. LEE

2 Q. Again, I apologize certain  
3 questions I am going to ask you --

4 A. I understand.

5 Q. How did Valerie Young die? What is  
6 your understanding of how she died?

7 MR. KAISER: Objection.

8 A. Valerie died from some type of a  
9 blood clot. If it had been treated, she would  
10 have not passed away.

11 Q. Now, do you think that any of the  
12 defendants knew prior to her death that she had a  
13 blood clot that would kill her?

14 MR. KAISER: Objection.

15 A. I don't know, no.

16 Q. Just so we are clear, do you think  
17 any of the defendants knew prior to her dying  
18 that she had this blood clot that was going to  
19 kill her?

20 MR. KAISER: Objection.

21 A. No.

22 Q. Now, prior to June 19, 2005, were  
23 you aware that Valerie suffered from blood clots?

24 A. No.

25 Q. Were you aware that she suffered



1

I. LEE

2

from any medical condition that might lead to  
3 blood clots?

4

MR. KAISER: Objection.

5

A. No.

6

Q. Just so we are clear, prior to June  
7 19, 2005, did you believe that Valerie Young was  
8 in danger of suffering a blood clot due to any  
9 medical condition that she had?

10

MR. KAISER: Objection.

11

A. No.

12

Q. If you would have known you would  
13 have communicated that to somebody?

14

A. Correct.

15

MR. KAISER: Objection.

16

Q. You would have spoken to your mom  
17 as you testified or you would have spoken  
18 directly to somebody at Brooklyn Developmental  
19 Center, correct?

20

MR. KAISER: Objection.

21

A. Yes.

22

Q. You would have requested for action  
23 to be taken if you thought this was going to  
24 happen?

25

MR. KAISER: Objection.

1 L. LEE

2 A. Exactly.

3 Q. Prior to June 15, 2005 -- let me  
4 take a step back.

5 Do you think that any of the  
6 defendants knew that she had a medical condition  
7 that would lead to a blood clot that could kill  
8 her that they would have communicated to anyone  
9 else in the Brooklyn Developmental Center that  
10 this needs to be taken care of.

11 MR. KAISER: Objection.

12 A. I think they would have taken care  
13 of it if they knew.

14 Q. If they knew?

15 A. If they knew.

16 Q. Just so we are clear, if you would  
17 have known she had a medical condition that would  
18 have lead to a blood clot that could ultimately  
19 killed her, you would have communicated that to  
20 the Brooklyn Developmental Center staff, correct?

21 A. Yes.

22 MR. KAISER: Objection.

23 Q. It is also your testimony that you  
24 believe if any of the defendants knew that  
25 Valerie had a medical condition that would lead

1 L. LEE

2 to a blood clot that they too would have  
3 communicated to someone in the hospital treatment  
4 team to get it corrected?

5 MR. KAISER: Objection.

6 A. Yes.

7 Q. This goes back to then why you are  
8 saying they were negligent. Because if they knew  
9 what was going on, you feel they would have done  
10 something about it because it is your thinking or  
11 your opinion that since they were negligent, they  
12 didn't even reach that point?

13 MR. KAISER: Objection.

14 A. What I feel is since Valerie had  
15 that problem that she was having, if they had  
16 sent her out when she first started this, that  
17 they would have caught that blood clot, okay.

18 Q. Are you aware what medical  
19 treatment she was receiving during that time?

20 A. No, I was not aware of any medical  
21 treatment. No, I was not.

22 Q. You are not saying that she was not  
23 getting any medical treatment, is just that you  
24 weren't aware of what medical treatment she was  
25 receiving?

1 L. LEE

2 MR. KAISER: Objection.

3 A. Right.

4 Q. When you say, "they should have  
5 sent her out," are you saying she should have  
6 been evaluated to see what the problem with her  
7 leg was?

8 MR. KAISER: Objection.

9 A. Yes.

10 Q. If they did evaluate her and didn't  
11 find anything, would that be something that would  
12 make you feel better?

13 MR. KAISER: Objection.

14 A. Yes, if they had sent her out and  
15 they would have find out, that would have been a  
16 feeling.

17 MR. KAISER: Objection.

18 Q. When you say, sent her out --

19 A. Sent her out to a hospital for  
20 tests.

21 MR. KAISER: Objection.

22 A. For tests.

23 Q. Do you know Brooklyn Developmental  
24 Center had medical staff in the center, correct,  
25 they had treating doctors there?

1 L. LEE

2 A. Yes, they do. I am aware of, yes.  
3 But for the length of time that Valerie was  
4 having these problems, she should have been sent  
5 out to a hospital for tests like MRIs to see what  
6 was wrong with her leg. That was not done.

7 Q. So is it fair to say you disagree  
8 with the medical treatment that they provided her  
9 by not sending her outside?

10 MR. KAISER: Objection.

11 A. I agree.

12 Q. If it was their opinion, that they  
13 didn't have to sent her out to an outside  
14 hospital because they did sufficient tests in the  
15 Brooklyn Developmental Center to see what her  
16 problem was --

17 MR. KAISER: Objection.

18 Q. -- how would you characterize that  
19 as disagreeing with their medical opinion or  
20 negligent or both?

21 A. Yes, both.

22 MR. KAISER: Objection.

23 A. Both.

24 Q. Just so we are clear, you are  
25 disagreeing with their medical opinion regarding

Five Star Reporting, Inc.

\*\*\*\*\* Suites in all Boroughs \*\*\*\*\*

(631) 224-5054

**Exhibit 46**

1 L. LEE

2 whether she needed to be sent out?

3 A. Yes.

4 Q. You think they were negligent for  
5 not sending her out?

6 MR. KAISER: Objection.

7 A. Yes.

8 Q. Prior to June 19, 2005, do you  
9 think Valerie Young tried to communicate, I know  
10 verbally she was very limited, do you think she  
11 tried to communicate to you or anyone else in  
12 your family that she felt she had a serious  
13 problems with her legs?

14 A. No.

15 Q. So what you are saying is, she did  
16 not communicate any fear that she had regarding  
17 her leg to you or to your mother?

18 A. No, she could not do that.

19 Q. Just so I am clear, prior to  
20 June 19, 2005, did you contact any of the  
21 defendants to communicate to them that you feared  
22 for Valerie Young's health related to her  
23 suffering to her medical condition to her leg?

24 MR. KAISER: Objection.

25 A. I did not personally, my mother.

L. LEE

Q. You are saying your mother communicated to the staff at Brooklyn Developmental Center that she was concerned about the medical condition related?

A. Yes.

Q. What did she communicate to them?

MR. KAISER: Objection.

A. She would ask them, "Why is Valerie limping like that? What is wrong with her leg?" And like I said before, they would tell her she had a dropped foot. That was their diagnosis.

Q. You think that problem with the dropped foot is the reason why she ended up having her blood clot that killed her?

MR. KAISER: Objection.

A. Yes.

Q. Why did you think that?

A. I feel that way it was a blood clot, the type of blood clot that Valerie died from is a type that it travels in your body, if it goes undetected, it will kill you just like that.

Q. You are saying you feel that way, you haven't had a medical doctor tell you that

1 L. LEE

2 her dropped foot was the reason why she had the  
3 clot that killed her?

4 MR. KAISER: Objection.

5 A. No.

6 Q. You said your mother communicated  
7 to the Brooklyn Developmental Center, so what did  
8 she communicate to them?

9 MR. KAISER: Objection.

10 A. My mother was always going there,  
11 she was always interacting with the staff members  
12 that you named, always because she was always  
13 going there on the weekdays and the weekends as  
14 well.

15 Q. Just for the record, the records do  
16 indicate your mother did visit Valerie on a very  
17 regular basis and was a very, very caring mother.

18 A. Yes, she was.

19 Q. But unfortunately these are the  
20 same records that don't seem to indicate that  
21 there was visits from other members of the  
22 family.

23 A. They have them when I did sign  
24 them. They did have them.

25 Q. Your testimony is you did sign in



1 L. LEE

2 to this?

3 MR. KAISER: Objection.

4 A. Oh, yes.

5 Q. What did your mother communicate to  
6 the hospital regarding Valerie's leg?

7 MR. KAISER: Objection.

8 A. She would ask them, "Why is Valerie  
9 walking like this?"

10 Q. You know this because your mother  
11 would tell you?

12 A. Yes, and I was there at times when  
13 she would ask.

14 Q. What would be the response that she  
15 got?

16 A. They always told mommy that it was  
17 her dropped foot.

18 Q. So is it fair to say you and your  
19 mother were concerned with her gait, the way she  
20 was walking? You wanted to know what was wrong  
21 with her leg that lead her to walk like that?

22 A. Yes.

23 Q. Prior to June 19, 2005, you weren't  
24 concerned that her gait or the problem with her  
25 leg was going to lead to have her blood clot that